

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

IN THE MATTER OF THE
ARBITRATION BETWEEN THE
OHIO COUNTY DEVELOPMENT
AUTHORITY and
CONTINENTAL BUILDING SYSTEMS,

Miscellaneous Action No. 5:07MC13
(STAMP)

OHIO COUNTY DEVELOPMENT AUTHORITY,

Petitioner,

METROPOLITAN PARTNERS, LLC

Respondent,

CONTINENTAL BUILDING SYSTEMS,

Interested Party.

ORDER SCHEDULING HEARING ON PETITION
TO COMPEL COMPLIANCE WITH ARBITRATION
SUBPOENAS FOR THE PRODUCTION OF DOCUMENTS

On September 28, 2007, the petitioner, Ohio County Development Authority, filed a status report on the above-styled civil matter pursuant to this Court's order, dated September 26, 2007. The petitioner, Ohio County Development Authority ("OCDA"), advises this Court that the parties have been unable to reach agreement on the production of documents pursuant to an arbitration subpoena served on respondent Metropolitan Partners, LLC ("Metropolitan"). On October 4, 2007, Metropolitan filed a response, in which Metropolitan stated that it was complying with the revised arbitration subpoena by furnishing OCDA with a document similar to a civil discovery log for items claimed to be privileged. This Court finds that a second hearing should be scheduled to consider

the issues raised in OCDA's status report and Metropolitan's response thereto.

Accordingly, it is ORDERED that the parties appear, by counsel, before the Court at the Wheeling point of holding court on October 5, 2007 at 4:00 p.m. for a hearing on this matter. The Court will permit those out-of-town attorneys having their offices further than forty miles from the point of holding court to participate in the conference by telephone. However, any such attorney shall advise the Court as soon as possible of his or her intention to participate by telephone and shall (1) inform all counsel of his or her appearance by telephone; (2) confer with other out-of-town attorneys to determine if they wish to appear by telephone; (3) advise the Court of the name of the attorney who will initiate the conference call and all such attorneys appearing by telephone; and (4) initiate a timely conference telephone call with such attorneys to the Court at 304/233-1120 at the time of the scheduled conference. If the attorneys cannot reach agreement as to the initiator of the call, the Court will make that determination.

IT IS SO ORDERED.

The Clerk is directed to transmit a copy of this order to counsel of record herein, and to Continental Building Systems c/o Continental Real Estate Companies and/or Thomas R. Davis, 150 East Broad Street, Columbus, Ohio 43215.

DATED: October 4, 2007

/s/ Frederick P. Stamp, Jr.
FREDERICK P. STAMP, JR.
UNITED STATES DISTRICT JUDGE